

**TOWN COUNCIL
REGULAR MEETING
FEBRUARY 21, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1 Davie/Cooper City Chamber of Commerce

Arlene Broleman, Executive Director, spoke about the Orange Blossom Festival and the parade, which all Councilmembers would be riding in on February 24th.

3.2 Community Redevelopment Agency (CRA)

Neal Kalis, Chair, advised that the offices of the CRA would be moving to 4700 Davie Road and the next Agency meeting would be held on February 26th. Davie Road streetscape improvements would include the paving of Davie Road to I-595 in the next six to eight weeks and Broward County would be covering the expenses.

Councilmember Cox asked if the light posts would be painted green and Councilmember Paul asked for an update on the Winn-Dixie site. Mr. Kalis advised that the building may be a single story structure instead of multi and that Mr. Shapiro may partner with someone wanting to establish office spaces.

3.3 Pine Island Update

Public Works/Capital Projects Manager Bruce Bernard advised that Pine Island Park was progressing with the inner ground utilities completed and the design for the fields, courts and buildings being 86% finished with an April completion date. He advised of each aspect of the project including landscaping, ballfields, sidewalks and courts. Mr. Bernard reported that the multi-purpose building was on schedule and the right-turn lane was out for bid. The design for the water playground feature was being worked on.

3.4 Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Dennis Andresky, Acting Parks and Recreation Director, announced that upcoming events included: 5-on-5 Youth Soccer Program; St. Patrick's Day event (March 16th); SeaEscape trip (April 3rd); and spring break camp (April 9th - 13th).

Vice-Mayor Weiner advised that residents had requested an over-50 male softball league.

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: Orange Blossom Festival parade and events (March 24th - 25th); Pets on Stage/Paws for Applause (March 11th); and AKC Dog Show (March 17th - 18th).

Mayor Venis announced that items 7.6, 8.4, 8.7 had been requested to be tabled until March 7, 2001.

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Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 7.21 had been requested to be tabled until April 4, 2001.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 8.6 would resolve the buffering and equestrian trail on the north side of the project and had been requested to be tabled until March 7, 2001.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis added item 11.6.

Councilmember Paul made a motion, seconded by Councilmember Clark, to add this item. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. MAYOR/COUNCILMEMBER'S COMMENTS
MAYOR VENIS**

CONGRATULATIONS. Mayor Venis congratulated Broward County Commissioners Lori Parrish and Jim Scott on the opening of their new district offices.

STUDENT VOLUNTEER. Mayor Venis congratulated Jeffrey Cominski for becoming Student Volunteer in the State of Florida and advised that Mr. Cominski had been invited to an upcoming Council meeting.

STUDENT AMBASSADOR. Mayor Venis introduced Stephan Bringas who was selected as a Student Ambassador to Australia. Mayor Venis advised that he had presented Mr. Bringas with a check for \$300 out of his expense account.

PRINCIPAL FOR A DAY. Mayor Venis advised that he had participated in this event at Indian Ridge Middle School.

SHUFFLE BOARD TOURNAMENT. Mayor Venis indicated that he had participated in the regional tournament at Park City Estates.

DAVIE MERCHANTS INDUSTRIAL ASSOCIATION. Mayor Venis thanked Wayne Arnold for the Candidates Night that was held for the upcoming elections.

CONDOLENCES. Mayor Venis extended sympathies to the Gill family for the loss of Helen Gill and advised that the family had requested that all contributions go to the Old Davie School.

STIRLING ROAD. Mayor Venis advised that he had received a letter from County Commissioner Dianna Wasserman-Rubin regarding the impact of the new interchange on Stirling Road. He asked Mr. Willi to keep the Council updated and indicated that he would be attending the MPO meeting where this issue would be discussed.

COUNCILMEMBER CLARK

CANDIDATE NIGHT. Councilmember Clark indicated that she had enjoyed the debate.

STATE ROAD 84 SPUR. Councilmember Clark asked Mr. Willi about the correspondence on this and asked for the Town's position. Mr. Willi advised that the offer for the spur road had been withdrawn by the State. He indicated that this property could go to the truck stop and

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the Town had not pursued this. Mr. Bernard advised that this was a dead end road and not of value to the Town and the Department of Transportation had advised that it needed to be put up for auction first.

TREES. Councilmember Clark advised that there were large trees on 53rd Avenue that obstructed the view of cars coming off the Turnpike and she would like the trees trimmed.

COUNCILMEMBER COX

BIKE RALLY. Councilmember Cox reported that there was a great turn out for the bike rally and advised that the police officers were great in helping with traffic. She apologized to residents who attended as Vista View was not opened by the County and they were unable to ride to the top. Councilmember Cox thanked the staff that helped with this event.

VISIONS 2010 CONFERENCE. Councilmember Cox advised that she had attended this conference which was for the purpose of discussing the progress of Broward County during the next ten years. She advised that there would be a report forthcoming.

VICE-MAYOR WEINER

CONDOLENCES. Vice-Mayor Weiner extended condolences to the family on the passing of Helen Gill and indicated that this was a great loss to the community.

BIKE RALLY. Vice-Mayor Weiner indicated that he did not ride the length of the trip.

DEBATE. Vice-Mayor Weiner advised that he had attended the Davie Merchants and Industrial Association's debate. He thought it was a great discussion and encouraged campaign members to continue clean campaigning.

ORANGE BLOSSOM FESTIVAL. Vice-Mayor Weiner advised that there would be a pie throwing contest at this event.

DRAINAGE STUDY. Vice-Mayor Weiner advised that a copy of the study had finally been received and would be reviewed.

SUNRISE WATER. Vice-Mayor Weiner asked for an update. Mr. Willi stated that an RFP had been prepared and 30 contractors had been sent letters of interest. Lead people for the project and how documents were to be presented had been established.

COUNCILMEMBER PAUL

CONDOLENCES. Councilmember Paul offered her sympathies to the Gill family and called Helen Gill a "true pioneer" for the community.

MAJESTIC GROVES. Councilmember Paul thanked the residents for their Candidates Night that was hosted at the Police Department.

DAVIE MERCHANTS AND INDUSTRIAL ASSOCIATION. Councilmember Paul thought this was a lively debate and thanked CRA Administrator Will Allen for the "best ribs in Town."

CONGRATULATIONS. Councilmember Paul congratulated her nephew on his recent marriage.

WATER RESTRICTIONS. Councilmember Paul indicated that she was still seeing a great deal of watering on roadways and medians. She felt it was unfortunate that sod needed to be laid during a drought, as this required more water. Councilmember Paul suggested that homeowner's associations be contacted to use timers or set sprinklers manually and that they be monitored more closely. Councilmember Paul advised residents to call Code Compliance if they saw violations.

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ELVIS SHOW AT ROBBINS LODGE. Councilmember Paul indicated that she had attended this event and complimented the show.

CHILD SAFETY BOARD. Councilmember Paul advised that Doreen Hixon had been Chair of this Board for some time and the Hixons would be leaving the area. She commended Ms. Hixon for the job she had done and the service extended to the community.

PRINCIPAL FOR A DAY. Councilmember Paul stated that she was at Hawkes Bluff Elementary and commended the students for their interest in, and knowledge of, community issues.

DALE EARNHART FANS. Councilmember Paul extended her condolences to all Dale Earnhart's fans, as there were many in Davie. She suggested that the Town do something in his honor.

MOCK TRIAL COMPETITION. Councilmember Paul advised of this schoolwide competition to decide which school would attend the Mock Trial Competition in Tallahassee and thanked all who attended as judges.

5. TOWN ADMINISTRATOR'S COMMENTS

61ST AVENUE PARK. Mr. Willi advised that the clearing of this land had begun and that the application for the Challenge Grant had been sent.

BEIGE PAINT PROGRAM. Mr. Willi stated that the Town would be reinstating this program and advised that residents who qualified could receive paint to help cover graffiti.

TREE LEGACY PROGRAM. Mr. Willi reported that the Town was reinstating the Tree Legacy Program.

BUDGET SCHEDULE. Mr. Willi advised that a tentative schedule had been prepared which began with a goal setting meeting with Council. He indicated that tentative dates were April 25th, 26th or 27th.

EMPLOYEES RECOGNIZED. Mr. Willi introduced the three employees of the quarter: Oral Lawrence, Utilities Department; Flora Cooper, Police Department; and Barbara McDaniel, Town Clerk's Office.

Mayor Venis advised that item 11.5 would be taken out of order.

11.5 Mr. Willi introduced Don DiPetrillo as the Town's new Fire Chief.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve this contract. In a voice vote, all voted in favor. (Motion carried 5-0)

6. TOWN ATTORNEY'S COMMENTS

KUEGLER TRIAL. Mr. Kiar advised that the Kuegler trial was completed on February 6th and the court's decision would be forthcoming.

CUMMINGS TRIAL. Mr. Kiar reported that this trial was scheduled for April and that Mr. and Mrs. Cummings were contending that the Town built a sidewalk on their property. He asked Council to retain a planner, appraiser and surveyor as experts in this case with anticipated fees being \$10,000 to \$15,000.

Vice-Mayor Weiner asked if fees could be recouped with Mr. Connick responding negatively. Mr. Kiar advised that the cost for expert fees was an estimate as a maximum.

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7. CONSENT AGENDA

Minutes

7.1 December 20, 2000 - Regular Meeting

7.2 January 3, 2001 - Regular Meeting

Proclamations

7.3 Engineers' Week (February 17 - 24, 2001)

7.4 National Unity and Family Renewal Day (March 3, 2001)

Occupational License - Carnival (Waiver of Occupational License Fee)

7.5 Saint David Catholic Church, 3900 South University Drive (March 15 - 18, 2001)

Resolutions

7.6 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SOUTH POST INCORPORATED; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE SOUTH POST PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (DA 1-1-01, 4200 Shotgun Road) (tabled from February 7, 2001)

7.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2001-42 THE BID FOR SPORTS OFFICIALS. (Supersports of Broward County; \$15,000/year)

7.8 **PAY PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2001-43 ADJUSTING THE PAY GRADE OF POLICE TRAINEE IN THE NON-CLASSIFIED PAY AND CLASSIFICATION PLAN.

7.9 **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2001-44 FLORIDA, CREATING THE CLASS SPECIFICATION FOR THE CODE COMPLIANCE/FIRE DEPARTMENT LIAISON IN THE NON-CLASSIFIED PAY AND CLASSIFICATION PLAN.

7.10 **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2001-45 FLORIDA, RETITLING CLASS SPECIFICATION OF HOUSING AND COMMUNITY DEVELOPMENT COORDINATOR TO HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS DIRECTOR AND ADJUSTING THE PAY GRADE IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.

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- 7.11
R-2001-46 **RECLASSIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RECLASSIFYING THE POSITION OF LEAD PERMIT CLERK IN THE WHITE COLLAR PAY AND CLASSIFICATION PLAN TO OFFICE (PERMIT CLERK) SUPERVISOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE.
- 7.12
R-2001-47 **RECLASSIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR THE POSITION OF CHIEF LANDSCAPE INSPECTOR AND RECLASSIFYING THE POSITION OF ZONING TECHNICIAN II TO CHIEF LANDSCAPE INSPECTOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE.
- 7.13
R-2001-48 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN BOYS AND GIRLS CLUB OF BROWARD COUNTY AND THE TOWN OF DAVIE. (KISS FanFest - April 7 - 8, 2001 and May 19, 2001; waiver of fee)
- 7.14
R-2001-49 **ADVISORY BOARD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ESTABLISHING THE DAVIE AGRARIAN ADVISORY BOARD; PROVIDING FOR MEMBERSHIP OF THE BOARD; PROVIDING FOR TERMS OF OFFICE OF ITS MEMBERS; PROVIDING FOR FUNCTIONS AND DUTIES OF THE BOARD; AND PROVIDING AN EFFECTIVE DATE.
- 7.15
R-2001-50 **GRANT SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE BROWARD COUNTY LAND PRESERVATION PROGRAM GRANT APPLICATION TO THE FARMLAND PROTECTION PROGRAM (FPP) FOR PURCHASE OF DEVELOPMENT RIGHTS (PDRs) ON AGRICULTURAL LAND PARCELS WITHIN THE TOWN.
- 7.16
R-2001-51 **CERTIFICATES OF OCCUPANCY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FINAL CERTIFICATES OF OCCUPANCY FOR FOREST RIDGE SINGLE FAMILY VIII.
- 7.17
R-2001-52 **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER NO. 3 WITH "THE HASKELL COMPANY" FOR CUSTOM PAINT COLOR FOR THE FOUR CONCESSION BUILDINGS ROOFS TO MATCH EXISTING, THE ADDITION OF EIGHT ELECTRICAL RECEPTACLES AT THE BASEBALL BACKSTOPS, AND THE PURCHASE OF SPECIFIED QUANTITIES OF FILL COMPOSITION FOR THE "DESIGN/BUILD IMPROVEMENTS TO PINE ISLAND PARK" PROJECT. (increase of \$103,120.17)

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- 7.18 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-53 **AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, I-595 BUSINESS PLAZA, LIMITED PARTNERSHIP, AND SUNDANCE AT DAVIE, INC., RELATING TO THE TRANSFER OF COMMITTED TRIPS ON PLATTED PARCELS KNOWN AS THE SARA PLAT AND UNIVERSITY PARC PLAT' TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 2-2-01, 7050 State Road 84)**
- 7.19 **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2001-54 **FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN AND POLICE CHIEF JOHN A. GEORGE; AND PROVIDING AN EFFECTIVE DATE.**
- 7.20 **CAPITAL PROJECTS RANKING - A RESOLUTION OF THE TOWN OF**
R-2001-55 **DAVIE, FLORIDA, APPROVING A FUNDING RANKING FOR THE TOWN'S ADOPTED FY2001-FY2005 CAPITAL PROJECTS BUDGET**

Site Plans

- 7.21 **PETITIONER REQUESTING TABLING TO APRIL 4, 2001**
SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from January 17, 2001) *Planning and Zoning Division recommended denial; Site Plan Committee recommended denial*
- 7.22 SP 6-2-00, Flamingo Petroleum, 4351 Flamingo Road (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Site Plan Modification

- 7.23 SP 1-6-01, McDonald's at Davie Road Extension, 4295 North Davie Road Extension (B-2) *Planning and Zoning Division recommended conditional approval subject to the planning report; Site Plan Committee recommended approval*

Councilmember Cox asked that items 7.16 and 7.20 be removed from the Consent Agenda. Councilmember Paul asked that items 7.14 and 7.22 be removed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 7.14, 7.16, 7.20 and 7.22. In a voice vote, all voted in favor. (Motion carried 5-0)

7.14 Councilmember Paul stated that this resolution made the Agrarian Committee a standing committee. She advised that this Committee wanted to remain as an independent organization and suggested changing the name to the Davie Agricultural Advisory Board.

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Councilmember Paul made a motion, seconded by Councilmember Clark, to change every reference in the resolution from “agrarian” to “agricultural” with the understanding that the Davie Agrarian Committee would exist as an independent organization. In a voice vote, all voted in favor. (Motion carried 5-0)

Later in the meeting, Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to approve as amended. In a voice vote, all voted in favor. (Motion carried 5-0)

7.16 Councilmember Cox indicated that the sidewalk joined the west section with the east side including a bicycle path which would allow students access to the Bamford facility and Silver Ridge Elementary. It was her concern that the developer comply with this. Town Engineer Dan Arner advised that an easement from the State would be required and had been applied for. He stated that he had a promissory letter from the developer that they would follow through. Councilmember Cox advised that this was a difficult negotiation with the developer and the property given to the Town should remain with the Town, as the property was important for emergency access and maintenance vehicles.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.20 Councilmember Cox was not sure why the 61st Avenue land acquisition was still in this budget as she understood that bond money would be used. Mr. Willi stated that he would need to look at the last draft. Councilmember Clark indicated that line #68 still had to be listed in capital projects as it was not really an acquisition, but a development cost.

Mr. Bernard indicated that a grant had been applied for but its approval was unsure and indicated that the \$340,000 that was taken for land acquisition was being used to cover building costs. He explained that the capital had not been approved and that line #69 referred to the development of the remaining acres, if they were acquired. Mr. Bernard added that line #68 should not be for acquisition but for construction.

Mayor Venis questioned the \$1.2 million for drainage projects (line #20) and related priorities as he had received calls on the property adjacent to North Star Community. Mr. Bernard spoke about the easement involved and that he had asked for a petition from the residents indicating that this easement would be granted to the Town.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve with the revision to reflect phase 1 and phase 2 development on SW 61st Avenue. In a voice vote, all voted in favor. (Motion carried 5-0)

7.22 Manny Miller, representing the petitioner, was present.

Councilmember Paul had a concern on the safety of propane being stored at the same location as gasoline storage tanks and possible leakage affecting the C-11 canal. Mr. Miller stated that this matter was removed from the site plan and would go through the Department of Natural Resource Protection for approval. He added that all appropriate agencies had approved the request. Director of Development Services Mark Kutney suggested that Council approve the request with propane to come back as a modification.

Councilmember Cox asked about the location of the dumpster and how it was screened, confirming with Mr. Miller that it was not located on Flamingo Road.

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Mr. Miller referred to the project indicating that it was the standard look for a mobile station, but the inside would be upgraded to include a food court, mailbox, car wash and convenience store.

Councilmember Paul stated that she was concerned about the underground tanks and the safety issues involved. Mr. Miller indicated that the petitioner would pursue the approval of the environmental protection agencies. Councilmember Paul understood that underground tanks were safer in general as a result of improvements and regulation changes. Mr. Kutney agreed.

Councilmember Cox pointed out that no gas stations would be constructed in the County if they did not meet the Department of Environmental Protection's (DEP) requirements. There were many regulations that were imposed and if the developer complied, Council could not legally vote against this. Mr. Kutney agreed that all development must comply with the DEP's standards and could not go forward unless it was approved at their level.

Vice-Mayor Weiner asked if the DEP required bonding from the applicant in the event there was spillage in the future. Mr. Kutney indicated that he would have to look into this. There was discussion about a State required insurance policy and Councilmember Clark suggested this come back to Council if the applicant wanted to add propane tanks.

Councilmember Cox made a motion, seconded by Councilmember Clark, to approve the site plan, if a propane tank was brought back to staff that it come to Council and it be processed like any other site plan, and that the recommendations of the Site Plan Committee would be incorporated. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, that Mr. Kutney research the issue of whether or not there was an insurance policy or bond, or some other financial guarantee available to cover the cost of cleaning up any contamination and that a letter be transmitted to DEP. In a voice vote, all voted in favor. (Motion carried 5-0)

8. PUBLIC HEARINGS

Ordinances - Second and Final Reading

8.1 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-41 **VACATING A PORTION OF ROAD AND UTILITY EASEMENT WITHIN A**
PORTION OF THE NORTH ONE-HALF OF TRACT 19 IN SECTION 34,
TOWNSHIP 50 SOUTH, RANGE 41 EAST; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-2-00, Utset/Epstein and
Peterson, 6703 SW 59 Street)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

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- 8.2 PENSION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN TO PROVIDE FOR A COST OF LIVING ADJUSTMENT; PROVIDING FOR A NORMAL RETIREMENT DATE FOR MEMBERS WHO HAVE COMPLETED FIFTEEN YEARS OF SERVICE ON THE ANNIVERSARY OF THE DATE THE MEMBER WOULD HAVE COMPLETED TWENTY YEARS OF SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve.

Mr. Kiar indicated that he had received information from Mr. Klausner that there would be minor changes. Vice-Mayor Weiner withdrew his motion.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to table to the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Resolutions

- 8.3 FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REVISING THE FEE SCHEDULE FOR DAVIE SUMMER RECREATION PROGRAMS FOR FY 2000/2001 AND APPROVING THE FEE INCREASE FROM \$10.00 FOR DAVIE SUMMER DAZE PROGRAM TO \$80.00 FOR RESIDENTS OF DAVIE FOR EIGHT WEEKS; AND FROM \$25.00 PER WEEK FOR TEEN PROGRAM TO \$35 PER WEEK FOR THREE FIELD TRIPS PER WEEK, AND \$25.00 PER WEEK FOR TWO FIELD TRIPS PER WEEK**

Town Clerk Muniz read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Cox clarified with Mr. Willi that the fee change was from \$10 for eight weeks to \$80. She wanted to make sure that the parents knew about the change by posting information in parks and printing an article in the Davie Update. Councilmember Cox indicated that this information would allow those parents who needed help to get the message and have time to apply for the scholarships that were available.

Mayor Venis asked how much this program cost the Town. Mr. Andresky stated that last year, the Town received a grant for \$54,000, which was the amount that must be made up this year. Councilmember Clark felt that since the scholarship funds available were in excess of \$54,000, this program should still be made available Townwide for \$10. Mr. Willi did not think the available scholarship money was over \$54,000. Councilmember Cox suggested that the scholarship amount that was quoted to Councilmember Clark may have been for all the programs available, not just the Davie Summer Daze Program.

Councilmember Cox suggested tabling this item to receive more information from staff. Mr. Willi advised that if the item was tabled, the information would miss a Davie Update printing. Mayor Venis agreed with Councilmember Cox's suggestion to table. Councilmember Cox stated that she would still like to see an article in the Davie Update that

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a rate increase was being considered and giving a number to call if they had questions. She asked about the Child Services Board and if there would be grant funds available through them.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark to table until March 7, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

- 8.4 FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE FEE SCHEDULE FOR THE TACKLE FOOTBALL AND TACKLE CHEERLEADING PROGRAM FOR FY 2000/2001 AND APPROVING AN ADDITIONAL \$30.00 FEE WHICH WOULD BE DEPOSITED IN THE PARKS AND RECREATION YOUTH SPORTS OPERATING ACCOUNT 001-0801-572-0513.**

This item was tabled earlier in the meeting.

- 8.5 SUMMER DAZE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO USE THE SILVER OAKS MOBILE HOME COMMUNITY CENTER FOR THE TOWN'S EIGHT DAVIE SUMMER DAZE PROGRAM FROM JUNE 18 TO AUGUST 10, 2001.**

Town Clerk Muniz read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

Items to be tabled

- 8.6 STAFF REQUESTING TABLING TO MARCH 7, 2001**

REZONING - ZB 11-2-00, H.J. Zimmerman & Assoc., Inc./South Post, Inc., 4200 Shotgun Road (from A-1 to E) (tabled from February 7, 2001) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

- 8.7 READVERTISED - ITEM NEEDS TO BE TABLED TO MARCH 7, 2001**

VARIANCE - V 5-4-00, Lombardo/Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from December 20, 2000)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

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9. APPOINTMENTS

- 9.1 Davie Water and Environmental Advisory Board (one exclusive appointment - Vice-Mayor Weiner; term expires December 2001)

Vice-Mayor Weiner appointed Gary Gaffney.

- 9.2 Davie Water and Environmental Advisory Board (one exclusive appointment per Councilmember; terms shall expire December 2001)

Councilmember Cox, Vice-Mayor Weiner and Councilmember Clark deferred their appointments. Mayor Venis appointed Mike Bender. Councilmember Paul appointed Jeffrey Harade.

10. OLD BUSINESS

- 10.1 Code of Ethics (Vice-Mayor Weiner)

Vice-Mayor Weiner suggested Council look at what the County had adopted and institute something similar. He would like to bring this issue back for the new Council to work on.

- 10.2 Pine Island Ridge Fire Service

Mr. Willi advised that negotiations with Pine Island Ridge had stopped and that the County had refused further negotiations. Mr. Willi suggested that the Town set a date to discontinue first responder service. Acting Deputy Chief Sid Marchant stated that the current cost was \$1.9 million and in negotiations, the Town had asked for \$920,000. He also recommended setting a date to discontinue; however, the Town would still supply mutual aide and second alarm service.

Vice-Mayor Weiner advised that there was a cost associated with providing service to Pine Island Ridge, as it took services out of the Town. He indicated that when this occurred, staff was not available to the Town's residents and it also created wear and tear on the equipment. Vice-Mayor Weiner was distressed that something could not be worked out with the County.

Mr. Willi recommended that the Town reaffirm its position in a letter to the County Administrator, the County Commissioners and County Fire Chief Lorenzo advising them of the drop dead date. Councilmember Clark, Mayor Venis and Councilmember Paul agreed with this plan with Vice-Mayor Weiner suggesting April 1st as the cut-off date. Mr. Willi felt this was a fair date.

11. NEW BUSINESS

- 11.1 Direction of Youth Advisory Board

Councilmember Paul advised that she had received calls of concern because the Board was not meeting due to there not being a quorum. She recommended that Councilmembers stay in contact with the Boardmembers to encourage them to stay involved. Councilmember Paul added that at the last meeting there was a quorum, but staff did not show up.

Councilmember Clark advised that her appointments were unmotivated and unsure of what they were suppose to be doing. Councilmember Paul advised that when a student came up with an idea, staff should help facilitate this and not recommend that the kids come back to the Councilmember that appointed them. She recommended doing some joint activities or possibly linking this board with the Child Safety Board.

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Councilmember Clark felt the Board needed good leadership and recommended that these children have a social get together, so they did not see their involvement as a chore. Councilmember Cox recommended bringing in a pizza when there was a meeting. Mayor Venis advised that the one complaint he heard from the Boardmembers was that staff ran the meeting, which hampered their participation. Vice-Mayor Weiner recommended that Council take turns attending the meeting. Councilmember Cox felt that getting their ideas was important and that the staff person involved was a key issue. She added that Council could make suggestions that it would like the Board to look into.

11.2 School Advisory Committee (Mayor Venis)

Dan Pignato advised that he had proposed the creation of the Davie Educational Advisory Board with each Councilmember making two appointments and the PTA/PTO of each Davie school appointing one resident parent. The purpose of the Board would be to address the Broward County School Board on a variety of education related subjects.

Councilmember Paul felt it was appropriate to use this committee to revise the resolution for boundary issues, had it been formulated in time. Mayor Venis felt this was a good idea as there were many school issues to deal with and these issues could be addressed proactively. Vice-Mayor Weiner agreed with this proposal and asked to look at the resolutions of other municipalities to help formulate this committee.

11.3 Proposed Zoning In Progress for Clearing and Grubbing

Mr. Kutney advised that site plan approvals were not required for clearing and grubbing. He stated that Mr. Willi had directed staff to draft a proposal that would include wildlife, tree preservation, wetland preservation, sedimentation and control measures in a process that would be in place to protect the Town against premature clearing and grubbing. Mr. Kutney stated that the zoning in progress should be in place so that no further clearing could occur, other than what had been started. He advised that this would not impact existing construction, or agriculture uses and farms.

Councilmember Cox asked if a resident would need a permit if they had property that was zoned agricultural and they wanted to put in a tree nursery. Mr. Kutney responded negatively. Councilmember Cox spoke about a situation that could come up that would allow residents to circumvent the law in order to clear the property. Mr. Kutney stated that staff would step in at that point for code violation.

Vice-Mayor Weiner recommended establishing a fine in place for such violations where intent did not match the eventual use of the property. Mr. Kutney stated that in the case of filling property, staff had the right to evaluate this activity as it related to possible drainage problems. Vice-Mayor Weiner asked Mr. Kutney to look at the blasting ordinance, as well.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve with the understanding that it would not impact any existing properties that had site plan approvals. In a voice vote, all voted in favor. (Motion carried 5-0)

11.4 Aquaculture Proposal

Budget and Finance Director Christopher Wallace advised that the proposed agreement was the result of negotiations with Nova Southeastern University.

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Vice-Mayor Weiner felt that the agreement was an insult to the Town. He advised that there was no base rent for year one with 3% and \$10,000 and for years two and three with 3%. He added that the Town was now \$659,824 in the hole on this project. Vice-Mayor Weiner questioned section #8 seminars and workshops, #4B, and #19C permitted assignment without consent. Mr. Wallace advised that if Nova sub-let to someone else, the Town had the right to refuse that, although Nova would have the right to merge with another university. Vice-Mayor Weiner indicated that it did not provide this in the language of #19C. He added that #28 resulted in nothing for the Town as 150% of nothing was nothing, and 150% of years two and three was \$15,000 which he felt was still low. Vice-Mayor Weiner indicated that #30 gave the right for the tenant to terminate. Mr. Wallace indicated that the new language provided this right to both parties after the second year.

Vice-Mayor Weiner spoke about environmental assessments of the premises. Mr. Wallace advised that the Town was ultimately responsible for the clean-up of the site and if the tenant was to be responsible, a base line needed to be set on whether a site was contaminated. If Nova used the facility and created hazardous waste, the Town would expect them to clean that up, but an initial assessment would provide evidence of whether or not the site was contaminated to begin with. Vice-Mayor Weiner suggested demolishing the site as the loss of money was so great. He added that Nova could use their students and experts to evaluate the site, rather than to do so at the expense of the Town.

Mr. Wallace stated that staff would like to have Council's concerns on a lease arrangement so negotiations could go forward. One aspect of the lease related to the percentage of income and Mr. Wallace stated that net sales involved an evaluation of the cost of operating the facility, so a percentage of gross sales was the logical option. He advised that financially, the Town could opt to 1) shut the facility down which would incur expense, 2) fund it the way it was, at a loss, or 3) try to get some income out of the property. Mr. Wallace stated that with this last option, if the project was successful, a piece of property that had been a liability would become an asset. He suggested a percentage of gross sales, but a lease did need to be constructed.

Vice-Mayor Weiner suggested selling the facility. Mr. Wallace stated that this was not what Council had directed staff to do, but this could be done. He added that more direction from Council was needed.

Mayor Venis stated that Council would review the lease agreement and pass along its comments.

George Hanbury, representing Nova Southeastern University, stated that the problem was that when the lease was presented, Nova would be responsible for cleaning up any environmental problems on the site. He felt that it would not be fair for Nova to assume responsibility for problems presently on the site before they took control of it. Mr. Hanbury stated that this had not been an important point until a clean-up requirement appeared in the lease and recommended that a base period should be established. He stated that Nova was genuinely interested in working with the Town and he spoke about current community involvement in the program.

Vice-Mayor Weiner suggested that Nova purchase the facility. Mr. Hanbury stated that if they were to do so they would need to hire experts to evaluate the environmental aspects of the property. Vice-Mayor Weiner advised that the Town could be partners with Nova, but not as property owners and suggested that if Nova were to purchase the facility, they could turn it around and make the venture at least break even.

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Mr. Hanbury stated that Nova was a large employer in the Town and was not there to insult the Town. He spoke about the benefactor who was waiting and hoped he did not lose interest. Mr. Hanbury advised that this project was part of environmental research, but was being done without appropriate funding, and in this case their partner had been the Town, for which he was grateful. He added that this began with the desire to help the Town and the Town's intent was to help Nova which he would like to continue. Mr. Hanbury felt that if the Town did not see the benefit of the program any longer, Nova did not want to be a burden.

11.5 Selection and Contract for Fire Chief

This item was approved earlier in the meeting.

**11.6 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2001-57 TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE
UNIVERSITY CENTER FOR THE PERFORMING ARTS**

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that a meeting of the Metropolitan Planning Organization (MPO) was scheduled for March 9th. He asked if he and Vice-Mayor Weiner were not able to attend, could Mr. Willi take their place. Councilmember Cox advised that the MPO was for elected officials only.

Mayor Venis asked that the Davie/Cooper City Chamber of Commerce, as well as the BADPAC, be invited to the next Council meeting to discuss the supermajority issue that was being voted on on March 13th. This would allow the residents to hear both sides of the issue.

Councilmember Paul stated that she received letters of interest from individuals who expressed an interest in being on the Agricultural Advisory Committee.

Councilmember Cox asked Mr. Willi to post signs in Council Chambers that directed everyone to turn off cell phones and beepers when attending a meeting.

12. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 9:56 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk